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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048989
Party	Plaintiff Top Tobacco, LP
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Submission	Stipulated/Consent Motion to Extend
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Date	03/26/2010
Attachments	April 2010 Motion to Extend Time for ROUTE 66.pdf ( 4 pages )(13728 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of  
Registration Nos. 2,950,896 and 3,328,623

TOP TOBACCO, LP,	)	
	)	
Petitioner,	)	
v.	)	Consolidated Cancellation No. 92048989
	)	
VAN NELLE TABAK NEDERLAND BV,	)	
	)	
Respondent.	)	

**CONSENTED MOTION FOR EXTENSION OF TIME FOR PETITIONER TO FILE A  
RESPONSE TO RESPONDENT’S MOTION TO COMPEL**

Petitioner, Top Tobacco, LP (“Top”), with the consent of Respondent, Van Nelle Tabak Nederland BV (“Van Nelle”), hereby moves for an additional extension of sixty (60) days, until June 11, 2010, of the time by which Top must file its brief in opposition to Van Nelle’s Motion to Compel. In support thereof, the Top states as follows:

1. On January 2, 2009, the Board suspended these proceedings pending disposition of Top’s Motion to Compel discovery.

2. On January 16, 2009, Van Nelle filed a Motion to Compel discovery. In response, on January 27, 2009, Top filed a Motion to Strike Van Nelle’s Motion to Compel because the proceedings were suspended for all issues not germane to its earlier filed Motion to Compel and, it submitted, Van Nelle’s Motion to Compel was not germane.

3. On June 25, 2009, the Board issued an Order denying Top’s Motion to Strike and directing Top to respond to Van Nelle’s Motion to Compel. *See* June 25, 2009 Order. As the

parties were engaged in settlement discussions, on June 30, 2009, Top filed a Consented Motion for Extension of Time for Petitioner to File a Response to Respondent's Motion to Compel, thereby giving Top until August 14, 2009 to file its Response, which the Board granted on July 2, 2009.

4. As settlement discussions have continued to progress, the parties filed joint motions to further extend the time for Top to file its Response on July 28, 2009, on September 29, 2009, November 25, 2009, and January 22, 2010. In each case, the Board granted the joint motions, further extending the time to respond by sixty days.

5. Over the past four months, the parties have been actively engaged in reaching an extensive settlement that would resolve this and numerous other proceedings pending before the Trademark Office. At this time, the parties are attempting to resolve the final points that would resolve this extensive settlement, and have proposed a meeting to attempt to accomplish such a resolution. There are, however, numerous individuals involved with international travel schedules to be accommodated. Accordingly, the parties jointly seek an additional extension of sixty (60) days for Top to respond to Van Nelle's Motion to Compel, so as to preserve resources and permit the parties to continue to work toward finalizing a settlement in this matter. The requested extension would set the new date for Top's Response as June 11, 2010.

6. Counsel for Top and Van Nelle conferred regarding this matter on March 23, 2010, and agreed to this request for an extension of time.

WHEREFORE, the parties respectfully request that this Board enter an order granting Top an extension of time until June 11, 2010 to respond to Van Nelle's Motion to Compel.

Date: March 26, 2010

Respectfully submitted,

/Antony J. McShane/

One of the Attorneys for Petitioner,  
Top Tobacco, L.P.

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**CERTIFICATE OF SERVICE**

I, Hillary A. Mann, an attorney, state that I caused a copy of the foregoing,  
CONSENTED MOTION FOR EXTENSION OF TIME FOR PETITIONER TO FILE A  
RESPONSE TO RESPONDENT'S MOTION TO COMPEL to be served upon:

Brewster Taylor  
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via U.S. Mail on March 26, 2010.

/Hillary A. Mann/  
Hillary A. Mann